

## **REMARKS**

### **Examiner Interview**

Applicant thanks the Examiner for the courtesy of the telephone interview on September 14, 2005. Applicant discussed with the Examiner, Applicant's March 25, 2005 traversal to the restriction requirement raised in an Office Action dated February 25, 2005. The Examiner stated that Applicant should note the traversal in the present response, and the Examiner will respond to it.

### **Amendments**

#### *Amendments to the Claims*

Applicant has amended the claims to more particularly point out what Applicant regards as the invention. Specifically, Applicant claims a tuner dedicated to receiving only a single broadcast signal. Furthermore, Applicant claims a media content signal that comprises content data and on-site media service data, where the on-site media service data allow an off-site content provider to remotely control a display of an advertisement on an on-site media system. No new matter has been added as a result of these amendments.

### **Restriction under 35 U.S.C. § 121**

In the March 25, 2005 response to a restriction requirement, Applicant elected claims 1-31 and 33-35 with traverse. Applicant respectfully requests the Examiner to respond to the traverse and, furthermore, requests the Examiner to reinstate claims 36-40 into the present application.

For the benefit of the Examiner, Applicant respectfully repeats the traversal from Applicant's March 25, 2005 response:

“The Examiner states a restriction is required under 35 U.S.C. § 121 because claims 1-31 and 33-34 are drawn to a storage feature in a video distribution system with local interface, claim 32 is drawn to video distribution components and claims 36-40 are drawn to indexing of data processing. Applicant

respectfully notes that claim 35 is also drawn to a storage feature in a video distribution system with local interface, as claim 35 is dependent on claim 33.

Applicant elects claims 1-31 and 33-35 with traverse. Applicant respectfully submits that claims 36-40 claim "... using a defined structure to automatically delete ... stored a first media content so as to guarantee storage room for a second media content ...". This claimed element is similar to the element claimed in claim 33 "wherein portions of stored media content ... are deleted to make room for new media content". Because claim 33 is classified as being "drawn to a storage feature in a video distribution system with local interaction, (Office Action, at p. 2), so too should claims 36-40 because claims 36-40 address a "storage feature" rather than "indexing of data processing" as the Examiner proposes. Both independent claims 33 and 36 are associated with a similar "storage feature" classification. Therefore, Applicant respectfully requests the Examiner to reinstate claims 36-40 in the present application."

## **Rejections**

### *Rejections under 35 U.S.C. § 102(e)*

#### **Claim 33**

Claim 33 stands rejected under 35 U.S.C. § 102(e) as being anticipated by Khan, U.S. Patent No. 6,029,046 (previously cited).

Khan discloses a game delivery service that delivers game and control data to a home game adapter through a cable or satellite network. The adapter comprises memory for storage and a tuner. The tuner can tune to multiple channels delivering the game and control data.

In contrast to Khan's multiple channel tuner, Applicant's claim 33 is for a receiver dedicated to receive only a single media channel. The Examiner asserts that at the time of operation Khan's tuner is tuned to a game data channel. However, Khan's tuner is not dedicated to only receiving that game data channel because Khan's tuner can tune to additional channels. Therefore, Khan cannot be properly interpreted as anticipating Applicant's claim 33. Accordingly, Applicant respectfully submits that claim 33 is not anticipated by Khan under 35 U.S.C. § 102(e) and respectfully requests the withdrawal of the rejection of the claim.

### *Rejections under 35 U.S.C. § 103*

#### **Claims 1, 2, 4, 8-14, 16-19, 21, 23-26, 28, 29, 31, 34, and 35**

Claims 1, 2, 4, 8-14, 16-19, 21, 23-26, 28, 29, 31, 34, and 35 stand rejected under 35 U.S.C. § 103(a) as being obvious over Khan and Examiner's Official Notice. In particular, the Examiner admits that Khan does not disclose a hard disk and takes Official Notice to disclose this element.

Independent claims 1, 4, 8, and 31, as amended, recite a tuner dedicated to receiving only a single broadcast signal. As per above, Khan does not teach or suggest a tuner as claimed. In addition, Examiner's Official Notice does not teach or suggest the tuner as claimed. Thus, the combination cannot be properly interpreted as rendering obvious Applicant's claims 1, 4, 8, and 31.

Furthermore, independent claim 16, as amended, recites on-site media service data that allows a content provider to remotely control the display of an advertisement on

read/write heads and not a dedicated tuner as claimed. Therefore, the combination cannot render obvious Applicant's claim 4 and claims 5 and 6 that depend on it. Accordingly, Applicant respectfully requests the withdrawal of the rejection of the claims under 35 U.S.C. § 103(a) over the combination.

#### **Claim 7**

Claim 7 stands rejected under 35 U.S.C. § 103(a) as being obvious over Khan, Sata, and Gerba, U.S. Pat. No. 5,931,908 (previously cited). Gerba discloses overlaying a user interface onto transmitted audiovisual content to allow a viewer to interactively execute functions associated with the content.

Applicant respectfully submits that the combination does not teach or suggest each and every limitation of Applicant's claim 7. Claim 7 depends from claim 4. Independent claim 4, as amended, recites a tuner dedicated to receiving only a single broadcast signal. As discussed above, neither Khan nor Sata teach or suggest this claim limitation. Furthermore, Gerba only discloses overlaying a user interface over audiovisual content and does not teach or suggest a dedicated tuner as claimed. Therefore, the combination cannot render obvious Applicant's claim 4 and claim 7 that depend on it. Accordingly, Applicant respectfully requests the withdrawal of the rejection of the claim under 35 U.S.C. § 103(a) over the combination.

#### **Claims 15 and 20**

Claims 15 and 20 stand rejected under 35 U.S.C. § 103(a) as being obvious over Khan and Doorhein, U.S. Pat. No. 6,078,360 (previously cited). Doorhein qualifies as prior art only under 35 U.S.C. § 102(e) because it issued after Applicant's effective filing date. Applicant does not admit that Doorhein is prior art and reserves the right to swear behind the reference at a later date.

Nonetheless, Doorhein discloses transmitting television control data in the unused reserved bits of a television video signal. The control data is used to convey the level of violence and/or sex in the signal. In addition, the control data may contain copy protection information.

an on-site media system. Because Khan does not teach or suggest advertisement display, Khan cannot teach or suggest controlling data to remotely control advertisement display as claimed. Furthermore, Examiner's Official Notice does not teach or suggest advertisement display control as claimed. Thus, the combination cannot be properly interpreted as rendering obvious Applicant's claim 16.

Therefore, the combination cannot render obvious Applicant's independent claims 1, 4, 8, 16, and 31 and claims 2, 9-14, 17-19, 21, 23-26, 28, 29, 34, and 35 that depend on them. Accordingly, Applicant respectfully requests the withdrawal of the rejection of the claims under 35 U.S.C. § 103(a) over the combination.

### **Claim 3**

Claim 3 stands rejected under 35 U.S.C. § 103(a) as being obvious over Khan and Strubbe, U.S. Pat. No. 5,483,278 (previously cited). Applicant respectfully submits that the combination of Khan and Strubbe does not teach or suggest each and every limitation of Applicant's claim 3. Claim 3 depends from claim 1. Independent claim 1, as amended, recites a tuner dedicated to receiving only a single broadcast signal. As discussed above, Khan does not teach or suggest this claim limitation. Furthermore, Strubbe merely discloses using a free text video search technique for viewing. Thus, Strubbe cannot teach or suggest a dedicated tuner as claimed. Therefore, the combination cannot render obvious Applicant's claim 1 and claim 3 that depends on it. Accordingly, Applicant respectfully requests the withdrawal of the rejection of the claim under 35 U.S.C. § 103(a) over the combination.

### **Claims 5 and 6**

Claims 5 and 6 stand rejected under 35 U.S.C. § 103(a) as being obvious over Khan and Sata, U.S. Pat. No. 5,134,499 (previously cited). Applicant respectfully submits that the combination of Khan and Sata does not teach or suggest each and every limitation of Applicant's claims 5 and 6. Claims 5 and 6 depend from claim 4. Independent claim 4, as amended, recites a tuner dedicated to receiving only a single broadcast signal. As discussed above, Khan does not teach or suggest this claim limitation. Furthermore, Sata only discloses a video recording device with independent

Applicant respectfully submits that the combination of Khan and Doorhein does not teach or suggest each and every limitation of Applicant's claims 15 and 20. Claims 15 and 20 depend from claims 8 and 16, respectively. Independent claim 8, as amended, recites a tuner dedicated to receiving only a single broadcast signal. Independent claim 16, as amended, recites on-site media service data that allows a content provider to remotely control the display of an advertisement on an on-site media system. As discussed above, Khan does not teach or suggest either claim limitation. Furthermore, Doorhein merely discloses transmitting control data describing media content type or copy protection information in a television signal. Thus, neither reference teaches or suggests a dedicated tuner nor media service data to remotely control display of an advertisement as claimed. Therefore, the combination cannot render obvious Applicant's claims 8 and 16 and claims 15 and 20 that depend on them. Accordingly, Applicant respectfully requests the withdrawal of the rejection of the claims under 35 U.S.C. § 103(a) over the combination.

### **Claim 22**

Claim 22 stands rejected under 35 U.S.C. § 103(a) as being obvious over Khan and Lawler, U.S. Pat. No. 5,931,908 (previously cited).

Lawler discloses an interactive viewing system that allows a user to select and record a television program using a program guide. The system includes an interactive station controller that controls the display of the program guide and recording device (e.g., a VCR).

Applicant respectfully submits that the combination does not teach or suggest each and every limitation of Applicant's claim 22. Independent claim 16, as amended, recites on-site media service data that allows a content provider to remotely control display of an advertisement on an on-site media system. As discussed above, Khan does not teach or suggest this claim limitation. Furthermore, because Lawler does not teach or suggest controlling advertisement display, Lawler cannot teach or suggest media service data to remotely control display of an advertisement as claimed. Therefore, the combination cannot render obvious Applicant's claim 16 and claim 22 that depends on it.

Accordingly, Applicant respectfully requests the withdrawal of the rejection of the claim under 35 U.S.C. § 103(a) over the combination.

#### **Claim 27**

Claim 27 stands rejected under 35 U.S.C. § 103(a) as being obvious over Khan and Gerba. Applicant respectfully submits that the combination does not teach each and every element of the invention as claimed in Claim 27. Independent claim 16, as amended, recites on-site media service data that allows a content provider to remotely control display of an advertisement on an on-site media system. As discussed above, Khan does not teach or suggest this claim limitation. Furthermore, because Gerba does not disclose controlling advertisement display, Gerba cannot teach or suggest a media service data to remotely control the display of an advertisement as claimed. Therefore, the combination cannot render obvious Applicant's Claim 16 and Claim 27 that depends on it. Accordingly, Applicant respectfully requests the withdrawal of the rejection of the claim under 35 U.S.C. § 103(a) over the combination.

#### **Claim 30**

Claim 30 stands rejected under 35 U.S.C. § 103(a) as being obvious over Khan, Sata, and Krause, U.S. Pat. No. 5,134,499 (previously cited).

Krause discloses providing simultaneous video playback and recoding integrated into a single set-top box. The set-top box comprises tape and disk-based subsystems for storage.

Applicant respectfully submits that the combination does not teach or suggest each and every limitation of Applicant's Claim 30. Independent claim 4, as amended, recites a tuner dedicated to receiving only a single broadcast signal. As discussed above, neither Khan nor Sata teach or suggest this claim limitation. Furthermore, as Krause does not explicitly disclose a tuner, Krause cannot teach or suggest a tuner in a removable electronic media cartridge as claimed. Therefore, the combination cannot render obvious Applicant's claim 4 and Claim 30 that depends on it. Accordingly, Applicant respectfully requests the withdrawal of the rejection of the claims under 35 U.S.C. § 103(a) over the combination.

### SUMMARY

Claims 1-16, 18-31, and 33-35 are currently pending. In view of the foregoing amendments and remarks, Applicant respectfully submits that the pending claims are patentable.

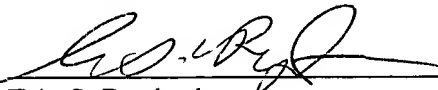
If the Examiner determines the prompt allowance of these claims could be facilitated by a telephone conference, the Examiner is invited to contact Eric Replogle at (408) 720-8300 x258.

### Deposit Account Authorization

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due. Furthermore, if an extension is required, then Applicant hereby requests such extension.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR  
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